

CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 2, 1994
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Engineer Prima, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Lyle Morris, Salvation Army.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Bender with Boy Scouts Troop #224.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Public Works Director Ronsko presented a report on the Adopt-A-Street Program and urged anyone interested to contact the Public Works Department at 333-6740. The program will be evaluated at the end of the year to determine if more streets should be added. Other cities have expressed interest in establishing similar programs in their areas. Another program being considered by Lodi for the future is: Adopt-an-Alley Program. George Bradley, Public Works Street Superintendent, introduced the participants of the Adopt-A-Street Program and the City Council presented each representative with a City of Lodi pin.
FILE NO. CC-158
- b) Assistant City Manager Glenn informed the public that the GrapeLine will be up and running beginning November 25, 1994 at 6:30 a.m. Advertisements will be appearing in the Lodi News Sentinel next week with a coupon for a free ride, and all rides on November 25 and 26 will be free. Mayor Sieglock acknowledged Hilda Blanke, Tita Herndon and Tony Williams, the citizens who submitted the winning name of the City of Lodi transit system, GrapeLine, and presented each with a certificate, City of Lodi pin and a one-year free pass on the GrapeLine. (Dwight Filley, the fourth winner, was not able to attend the meeting.)
FILE NO. CC-50(b)
- c) Mike Reese, Tournament Chairman, introduced the winners of the Mayor's Cup Golf Tournament which was held at Micke Grove Golf Course on October 16, 1994. Mayor Sieglock presented a check from the proceeds in the amount of \$1,957.64 to Mike Reese which will be used as financial aid in the Mayor's Youth Scholarship fund.
FILE NO. CC-40

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- d) Police Chief Hansen and Community Service Officer Biskup introduced the fourth graduating class of the Lodi Police Partners Volunteer Program. Eight of the nine volunteers were present. The next class is scheduled for January 1995, and anyone interested was urged to contact the Police Department.
FILE NO. CC-152

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Pennino second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,391,947.16.
FILE NO. CC-21(a)
- b) The Minutes of October 19, 1994 (Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, "Plans and specifications and advertisement for bids for Well 25 pump and motor, 1014 Holly Drive" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- d) Adopted Resolution No. 94-127 authorizing the purchase of a total of 58,500 feet of type THHN electrical conductor in various sizes from the low bidder, Capital Wholesale Electric of Sacramento, in the amount of \$10,755.82.
FILE NO. CC-12(d) AND CC-300
- e) Adopted Resolution No. 94-128 awarding the bid for the purchase of 30,800 feet of #2/0, and 21,000 feet of #2, 15kV underground primary conductor to the low bidder offering firm pricing, Cablec Utility Cable Company, Huntington Beach, California, in the amount of \$65,109.88.
FILE NO. CC-12(d) AND CC-300
- f) Agenda item #E-6 entitled, "Contract award for Pig's Lake levee repair" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- g) Adopted Resolution No. 94-130 awarding the contract for lane line painting of various streets for the fiscal year 1994/95 to Traffic Limited of Lodi, California in the amount of \$19,920.82.
FILE NO. CC-12(a), CC-90 AND CC-300
- h) Set Public Hearing for November 16, 1994 to consider the Bicycle Transportation Master Plan.
FILE NO. CC-6 AND CC-66

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Sieglock, unanimously approved the plans and specifications for bids for Well 25 pump and motor, 1014 Holly Drive and authorized advertising for bids.
FILE NO. CC-12.1(c)

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- b) The City Council, on motion of Council Member Snider, Sieglock second, unanimously adopted Resolution No. 94-129 awarding the contract for Pig's Lake levee repair to Altman General Engineering of Yuba City in the amount of \$36,700.
FILE NO. CC-12(a), CC-90 AND CC-300

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider Eastside Alley Lighting Project.

Hearing Opened to the Public

- 1. Colleen Dixon, East Side Improvement Committee, 333 Hilborn Street, Lodi, assured the public that this project was not designed to neglect residents on the west side. The committee's neighborhood watch group has a successful program in which it gives away motion detector lights in a drawing.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Davenport, Mann second, unanimously approved the Eastside Alley Lighting Project as recommended by staff and authorized the advertisement of bids for this project.

FILE NO. CC-2(s), CC-6, CC-45(a) AND CC-45(g)

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider appeal from Gilbert and Betty Kampe regarding development requirements at property located at 2024 Edgewood Drive, Lodi.

Hearing Opened to the Public

- 1. Betty Kampe, 2925 Rockford Avenue, Stockton, waived the formal appeal process under Lodi Municipal Code Section 15.64.130 and expressed her desire to continue with the public hearing. Ms. Kampe spoke in support of her appeal and the waiving of the fees.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Davenport second, unanimously tabled the matter until the City Council meeting of November 16, 1994 so that the City Attorney could research the matter and return with a legal analysis.

FILE NO. CC-6 AND CC-56

8. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 9:15 p.m.

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9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Mann, Pennino second, unanimously rejected the following claims and referred them back to ICA:
1. Paul and Kathryn Goans, date of loss 10/4/94; and
 2. Anna Villegas, date of loss 10/15/94.
FILE NO. CC-4(c)
- b) City Clerk Perrin read the following ABC License:
1. Terrie J. Boyd, Lakewood U-Save Liquor, 215 Lakewood Mall, Off Sale General, Person to Person Transfer.
FILE NO. CC-7(f)
- c) The following reports were presented to the City Council:
1. Planning Commission report of October 24, 1994; and
 2. Joint Planning Commission and Parks and Recreation Commission report of October 25, 1994.
FILE NO. CC-35(c)
- d) The City Council, on motion of Mayor Sieglock, Mann second, unanimously directed the City Clerk to post for the following expiring terms on various City of Lodi boards and commissions:

Senior Citizens Commission

Delores Dickey Term to expire December 31, 1994

Personnel Board of Review

Margaret Reed Talbot Term to expire January 1, 1995

Recreation Commission

Robert Johnson Term to expire December 31, 1994
Ed Wall, Jr. Term to expire December 31, 1994

Site Plan and Architectural Review Committee (SPARC)

Michael Locke Term to expire January 1, 1995

FILE NO. CC-2(f), CC-2(h), CC-2(i) AND CC-2(l)

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10. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Mann, Pennino second, unanimously authorized the Police Department to continue to negotiate and accept an offer from Cellular One to completely equip all marked patrol units with digital cellular telephones at no cost to the City; in addition authorized the expenditure of \$6,600 from the Asset Seizure Fund for the purchase of air time for the remainder of the fiscal year; and further authorized the City of Lodi Police Department to participate in Cellular One's Quick Start Program in which the current analog phones will be replaced with the digital phones at no cost to the City and that the City of Lodi enter into a two-year agreement with Cellular One whereby the City agrees to use the equipment for the two years in recognition of their donating this equipment to the City of Lodi all in accord with Lodi Municipal Code Section 3.20.070 which states that purchase without bids is necessary.
FILE NO. CC-12(d) AND CC-152

11. ORDINANCES

- a) Ordinance No. 1601 entitled, "An Ordinance of the City Council of the City of Lodi Adopting Policy and Procedures Relating to Administration of Parking Citation Violations" having been introduced at a regular meeting of the Lodi City Council held October 19, 1994 was brought up for passage on motion of Council Member Pennino, Mann second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - None
Absent: Council Members - None

FILE NO. CC-6, CC-149 AND CC-150

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Harold Klein, Lodi VFW Post, 23 West Elm Street, Lodi, announced that the AMI-POW ribbons will be placed along School Street from Locust Street to Lodi Avenue, November 7 - 14, 1994.
- b) Mike Meek, 325 East Pine Street, Lodi, complained about the crime, gangs, drugs and prostitution problems along the 200 and 300 blocks of East Pine Street and urged the City Council to adopt stronger ordinances to address the situation. The Police Department has been very quick to respond and takes care of matters as they happen; however, the criminals are back on the street the next day. Stronger laws should be in place assuring that landlords keep buildings cleaned and maintained and not allow illegal activities from happening on its premises. Chief Hansen responded that this area's crime rate is quite high, and beginning Thursday the Police Department will be beefing up its patrol in this area as a new program.
FILE NO. CC-16
- c) Joanne Meek, 325 East Pine Street, Lodi, also complained about the high crime rate in the 200 and 300 blocks of East Pine Street. Mrs. Meek presented the City Council with a list of complaints and issues for this area (a copy of which is on file in the City Clerk's office).
FILE NO. CC-16

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- d) Richard Norris, 306 East Pine Street, Lodi, commented on the same situation along the 200 and 300 blocks of East Pine Street. There are ordinances in place that are helping the situation; however, new and stronger laws need to be created to make Lodi a better place in which to live. Mr. Norris also complained that the property at 220 East Pine Street (which is owned by Mr. Muzafar Khan) is not being managed properly and the gang situation there is terrible. The reason the area residents sued Mr. Khan is because, despite numerous attempts requesting assistance, nothing was ever done and, therefore, suing him was a last resort. The residents are not trying to get money out of Mr. Khan and they are not against the Pakistani culture, they just want the area and the crime cleaned up. Council Member Mann, with the concurrence of the City Council, directed the City Manager to set a date for a Town Hall meeting regarding possible solutions to the crime in this area.
FILE NO. CC-16
- e) Victoria Fair, East Oak Street, Lodi, made several remarks regarding "a Council Member with the initials P. P." who voted for the increase in garbage rates, voted for the rate increase for the business tax license fee, served on the San Joaquin County Council of Governments (COG) which "failed the Dana Corp.", is causing East side neighbors to sue landlords, pushed the East Side Improvement Committee to make the U.S. Postal carriers carry phones which it did not want to do, and implemented a poor graffiti abatement program. Ms. Fair urged the citizens to vote for candidates Land, Young and Ochoa in the November 8, 1994 General Municipal Election. Council Member Pennino stated for the record that "P. P." stands for Phillip Pennino and that COG had nothing to do with the site location for the Dana Corp. Council Member Mann asked Ms. Fair to explain to him what Dana Corp. is. Following further discussion, Ms. Fair admitted that she did not know the facts about the Dana Corp. and that this statement was written for her.
FILE NO. CC-6, CC-16 AND CC-18
- f) Muzafar Khan, 439 Murray Street, Lodi, responded to the earlier comments made against his property located at 220 East Pine Street. His building does not have drug, gang and prostitution problems and he has made steps to clean up his property. All of Lodi has this type of problem, not just his place. He takes care of his business.
FILE NO. CC-16
- g) Dave Perryman, 510 West Vine Street, Lodi, complained about the proposed bus stop that will be going up in front of his residence. Having a bus stop at this location would be a safety hazard due to the high volume and speed of the traffic and the curve in the road. Mr. Perryman would like to see this bus stop removed from the route. Following discussion, Assistant City Manager Glenn answered questions that there were approximately 6 other location with citizen concerns. Therefore, the City Council directed that this matter come back on the November 16, 1994 City Council agenda to try to resolve these problems.
FILE NO. CC-16 AND CC-50(b)
- h) Dennis Cochran, 935 Coloma, Lodi, spoke in support of Mr. Khan and urged that he not be made fun of. Mr. Cochran also stated that Council Member Pennino should have worked with him on the enterprise zone and the Dana Corp. The City should be looking at Stockton's enterprise zone instead of going to Mountain View. Mr. Cochran further stated that there was nothing wrong with helping Ms. Fair learn more about her government. Council Member Pennino urged that Mr. Cochran attend a COG meeting to learn what the organization is all about and further gave him the phone number of Marcelo Lopez with the Private Industry Council (PIC) which was the agency that worked with the Dana Corp. (not COG).
FILE NO. CC-6, CC-16 AND CC-18

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- l) Virginia Lahr, 311 East Elm Street, Lodi, once again attempted to explain that the East Side Improvement Committee is not suing Mr. Khan; instead, it is fourteen area residents that have banded together to bring this suit against the landlord. The East Side Improvement Committee has tried to remain neutral and no one is attacking any particular culture. In fact, the East Side Improvement Committee has tried to have special meetings specifically for Pakistani landlords and letters were sent to Mr. Khan regarding his property, all to no avail. She stands by all the actions taken by the residents and the East Side Improvement Committee. Ms. Lahr is pleased about the proposed Town Hall meeting and urged the Council to hold the meeting at the Grape Festival and that it be well publicized.
FILE NO. CC-16

13. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 11:14 p.m.

14. VOTE TO CONTINUE MEETING FOLLOWING 11 PM HOUR

The City Council, on motion of Council Member Davenport, Mann second, unanimously determined it would continue with the remainder of the meeting following the 11:00 p.m. hour.

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS (Continued)

- a) Mohammad Khan, 747 South Central Avenue, Lodi, complained that the East Side Improvement Committee is suing Muzafar Khan and spending the City's money on this suit. Mr. Khan also expressed his anger that the Pakistani community is being targeted. Once again, it was explained that the East Side Improvement Committee has nothing to do with the lawsuit against Mr. Khan, and further no money has been spent either from the City or the committee (the fourteen individual residents are footing the bill).
FILE NO. CC-16
- b) Frank Alegre, Lodi, expressed his opposition that a recess was called in the middle of the comments by the public. Mr. Alegre expressed his opposition against Mr. Michael Machado, a candidate for 26th Assembly in the November 8, 1994 General Municipal Election, and further urged people to vote for Mr. Simas. Mr. Alegre also stated that a Town Hall meeting to discuss the crime on the East side is not necessary. The Council should instead cut unnecessary City waste and use the money to hire three additional police officers who would concentrate entirely in the East side area.
FILE NO. CC-16 AND CC-18
- c) Brian Ochoa, Lodi, stated that the comments by Ms. Fair were completely uncalled for as this is not the appropriate forum and attacks such as these are not necessary. Mr. Ochoa further read a letter from him to the Chamber of Commerce in which he informed them he would be unable to attend the candidates' forum scheduled for Thursday, November 3, 1994 due to a prior school engagement. Mr. Ochoa thanked his supporters for all of the help during his campaign.
FILE NO. CC-18

16. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Mann informed the public that a continuation school has just moved into downtown Lodi, which the City had nothing to do with, and would like to see if it could possibly be relocated due to the fact that the use does not fit in the downtown area. Council Member Mann requested that the balance of the Proposition 172 funds (approximately \$22,000) be used in the Fire Department. Further, Mr. Mann would like to see a future Shirtsleeve Session scheduled to discuss the future firehouse and the financing options.
FILE NO. CC-21(b), CC-72 AND CC-400
- b) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: (1) Informed the public that he went on vacation recently, which is why he missed the last City Council meeting, and had an opportunity to visit several cities to see how they run; (2) Stated he has not yet been introduced to the new Fire Chief and wondered why there was no Fire Department or citizen input in the hiring of the Fire Chief. Mr. Davenport also stated his opposition to a statement in a recent memo by the Fire Chief that no Fire Department personnel should discuss Fire Department business with elected officials. The Council has a right of association and free speech and should be able to approach City employees with questions; (3) Received information that King Videocable Company is again raising its rates; (4) Announced that the GrapeLine buses will begin operation on November 25, 1994; (5) Encouraged citizens to vote in the November 8, 1994 General Municipal Election; (6) Questioned the "garbage rate extras" and where it appears on the California Waste audit and where it received its authority; (7) Informed the public that the Library Annual Report is available for review; (8) Asked the Assistant City Manager if a copy of the Lodi Police Officers' Association (LPOA) Memorandum of Understanding (MOU), which was approved at the October 19, 1994 City Council meeting, is available at the Library and urged that copies of all of the MOUs be placed at the Library; (9) Complained that the application for refuse service fee exemptions asks for number of persons residing in the residence which is none of the City's business and is an invasion of privacy; (10) Asked for a report from the City Manager and Assistant City Manager on the League of California Cities (LCC) conference they attended in Long Beach. Both Mr. Peterson and Mr. Glenn gave a brief report on the sessions attended; (11) Received a copy of a letter from a City employee, Kathy Casey. City Attorney McNatt responded that this is a pending personnel matter and should not be discussed at this time; and (12) Informed the public that the public hearing regarding the Bicycle Transportation Master Plan will be on November 16, 1994.
FILE NO. CC-6, CC-22(b), CC-54 AND CC-66
- c) Council Member Snider once again urged citizens to vote "No" on Proposition No. 188 regarding the state smoking regulations, which would preempt local government.
FILE NO. CC-6 AND CC-18
- d) Mayor Sieglock informed the public of another economic development success story. The Villa Truss Company is coming to Lodi and will locate in the Overhead Door Complex. They plan to employ 25 individuals and double that number within 3 years. Further, the City of Lodi will have a community Christmas tree at Hutchins Street Square. Local classrooms will be invited to decorate the tree and it is tentatively scheduled to be lit on November 28, 1994. Mayor Sieglock also commented on the continuation school which recently located in the downtown area, and that a letter had been written to the County Superintendent of Schools to attempt to mitigate the situation. It was suggested that the vacant school site on Ray Road might be a good location. Finally, Mayor Sieglock questioned whether the fourth fire station was in next year's budget. City Manager Peterson responded that it was.
FILE NO. CC-6, CC-72 AND CC-400

17. CLOSED SESSION

Mayor Sieglock adjourned the meeting to a Closed Session to discuss the following matters:

- a) California Youth Soccer Association (proposed White Slough lease)
- b) Litigation - City of Lodi et al. v. Shell et al. (DBCP)

18. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Sieglock reconvened the meeting at approximately 12:25 a.m. and disclosed the following actions:

California Youth Soccer Association (proposed White Slough lease)

No final action taken on the matter.

Litigation - City of Lodi et al. v. Shell et al. (DBCP)

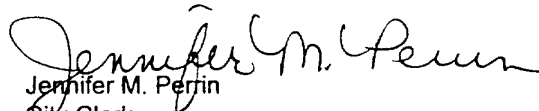
No final action taken on the matter.

FILE NO. CC-200(c) AND CC-200(d)

19. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 12:26 a.m., Thursday, November 3, 1994.

ATTEST:


Jennifer M. Perrin
City Clerk